

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

Application of

SILVER AIRWAYS LLC

for an exemption pursuant to 49 U.S.C. § 40109
(U.S.— Anguilla; Antigua and Barbuda; Dominica;
and the British Virgin Islands)

DOT-OST-2020-0027

APPLICATION OF SILVER AIRWAYS LLC FOR RENEWAL OF AN EXEMPTION

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January 18, 2022

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DATED: January 18, 2022

APPLICATION OF SILVER AIRWAYS LLC FOR RENEWAL OF AN EXEMPTION

Pursuant to 49 U.S.C. § 40109 and Subpart C of the Department's economic regulations, Silver Airways LLC ("Silver") hereby respectfully applies for renewal of its exemption authorizing it to engage in foreign air transportation of person, property and mail between the United States and each of Anguilla, Antigua and Barbuda, Dominica and the British Virgin Islands, as more fully described herein.

In support of this Application, Silver states as follows:

1. Silver holds an exemption from 49 U.S.C. § 40109 to engage in scheduled foreign air transportation of persons, property, and mail between the United States and each of Anguilla, Antigua and Barbuda, Dominica, and the British Virgin Islands, as issued in Docket DOT-OST-2020-0027 on March 18, 2020.

2. Silver requests that the Department renew its exemption for a period of at least two years, consistent with standard Department practice.

3. Silver invokes the automatic extension provisions of the Administrative Procedure Act, 5 U.S.C. § 558(c), as implemented by Part 377 of the Department's

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regulations, 14 C.F.R. Part 377, to continue its exemption authority in effect pending final action by the Department on this renewal application. Silver's exemption authority would expire on March 18, 2022, absent this renewal application, which is timely filed in compliance with 14 C.F.R. § 377.10(c)(3).

4. The Department has previously found Silver to be fit, willing, and able to provide scheduled interstate and foreign air transportation of persons, property and mail.¹

5. With respect to (1) Antigua and Barbuda, and (2) Dominica, the traffic rights which are the subject of this Application are fully consistent with the Air Services Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, done at Bermuda on July 23, 1977, as amended ("Bermuda II"). More specifically, Bermuda II, Annex 1, Section 1, U.S. Route 6 authorizes U.S. air carriers to provide combination air services between the United States, via specified intermediate points, to each of (a) Antigua and Barbuda and (b) Dominica.²

6. With respect to (1) Anguilla, and (2) the British Virgin Islands, the traffic rights which are the subject of this Application are authorized under the 2020 U.S.-UK Air Transport Agreement, done in Washington, DC on November 10, 2020 and in London on November 17, 2020 ("U.S.-UK ATA").³ More specifically, Article 2 of the U.S.-UK ATA authorizes U.S. air carriers to provide air transportation from points behind the territory of

¹ See Order 2019-11-12, Nov. 15, 2019 (DOT-OST-2019-0079 and DOT-OST-2019-0080); Order 2020-10-17, Oct. 27, 2020 (DOT-OST-2019-0080).

² Each of Antigua and Barbuda and Dominica acceded to Bermuda II upon its independence.

³ Prior to withdrawal of the United Kingdom from the European Union (Brexit), traffic rights concerning each of Anguilla and the British Virgin Islands were covered by the Air Services Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, done at Bermuda on July 23, 1977, as amended.

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the United States via the territory of the United States and intermediate points to any point or points in the territory of the United Kingdom and beyond.⁴

7. The authority requested herein is in the public interest, as it will allow Silver to continue its service offerings and, in the process, offer more options and convenience for the traveling and shipping public.

WHEREFORE, for all the reasons set forth above, Silver Airways LLC respectfully requests that the Department (i) renew its exemption under 49 U.S.C. § 40109 to engage in scheduled foreign air transportation of persons, property and mail between the United States and each of Anguilla, Antigua and Barbuda, Dominica and the British Virgin Islands, and (ii) grant such other or additional relief as may be consistent with this Application and the public interest.

Respectfully submitted,



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⁴ Anguilla and the British Virgin Islands are each a "territory" of the UK under the U.S.-UK ATA, defined in Article 1 as "the land areas, internal waters, and territorial sea under the sovereignty of a Party." See also Memorandum of Consultations, Nov. 18, 2018 ("In discussing Article 2 (Grant of Rights)...the delegations recognized the importance of ensuring that the UK Overseas Territories (OTs) and Crown Dependencies (CDs) are covered by the Agreement. The UK delegation expressed its view that the OTs and CDs are included within the definition of "territory" in Article 1 (Definitions) of the Agreement and are otherwise encompassed within references to the United Kingdom throughout the Agreement.").

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Application for Renewal of an Exemption to be served, this 18th day of January 2022, via email transmission, on the following persons:

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